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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,425	08/03/2001	Gary Mittman	R258-DB	7477

7590 08/05/2002

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EXAMINER	
RETTA, YEHDEGA	
ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,425	MITTMAN ET AL.	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude. The claimed invention as a whole may not be adequately described if the claims require an essential or critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art. The independently claimed steps of means for tracking the timing of Internet-related goals achieved by said Internet user related to his accessing said Internet website address (which is included in the media purchase), and correlating and reporting the timing of Internet-related goals to the media purchase is a critical feature which is not adequately described in the specification and which is not conventional in the art or known to one of ordinary skill in the art, because the specification does not teach how the Internet website address being accessed by the user relates to the media purchase. The specification does not disclose how the system identifies whether the Internet related goals achieved by Internet user of an Internet website is related to the media purchase or not. The specification merely recites the same language used in the claims. Since

claims 2-8 are dependent upon the essential or critical feature, those claims are also rejected as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention. In light of the specification, as best understood by the examiner the rejection of 102 or 103 as stated below applies.

3. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "said media purchase including either of an Internet website address and other unique trackable identifier for accessing ...". It is not clear whether the media purchase includes the "Internet website address" or the "unique trackable identifier" or both. Since applicant's specification, page 9 lines 19-21, teach the media purchase to include the Internet website address or unique trackable identifier, examiner will interpret the claim as including only one of the elements.

5. Claims 1-8, recites " residual period of media purchase". The claimed invention is not described in Applicant's specification, such that it fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branddata(TM) as stated in the articles "Promotion Insights tracks coupons used in web" by Liz Parks (hereinafter Parks), "International Data L.L.C launches on-line redemption database" and "http://web.archive.org/web/200001190811...nddata.com/intdata/docs/branddata2a" (hereinafter web.archive.org) and further in view of Ryu U.S. Patent No. 6,377,961.

8. Regarding claims 1-8, Branddata teaches tracking advertising media purchase relating to a predetermined subject matter and being placed in either movies, video,...within a stated geographical area, said media purchase including unique trackable identifier (barcode) (see page 1 of web.archive.org), database containing records relating to the start date, end data and stated geographical area for a plurality of media purchases and means for inputting and maintaining records in a first database (see page 1 of Parks). Branddata does not teach determining the geographical location associated with an Internet Protocol address, means for grouping said geographic locations into uniform sated geographic area and a second database containing records correlating Internet protocol addresses of Internet users with stated geographic area and means for inputting and maintaining records in the second database, it is disclosed in Ryu (see col. 4 lines 29-55). Ryu teaches a database correlating Internet address and geographical

address. It would have obvious to one of ordinary skill in the art at the time of the invention to combine Branddata's tracking of distributed coupon and Ryu's Internet address and geographical address database in order allow the distributors of the coupon to access the server that tracks the distributed coupons.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meade, II, U.S. Patent No. 6405214, method of gathering usage information and transmitting to a primary server and a third party server by a client program.

Davis et al. U.S. Patent No. 6,138,155, method and apparatus for tracking client interaction with a network resource and creating client profiles and resource database.

De Lapa et al. U.S. Patent 5,822,735, focused coupon system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steve Gravini for AWS

STEPHEN GRAVINI
PRIMARY EXAMINER

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July 24, 2002